

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

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	:	
PRISM TECHNOLOGIES LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 8:12-cv-123-LES-TDT
	:	
SPRINT SPECTRUM L.P. D/B/A	:	
SPRINT PCS,	:	
	:	
Defendant.	:	
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**SPRINT’S SPECTRUM L.P.’S MOTION FOR JUDGMENT AS A MATTER OF LAW
OF NO INFRINGEMENT UNDER RULE 50(a)**

Sprint Spectrum L.P. d/b/a Sprint PCS (“Sprint”) respectfully moves for judgment as a matter of law of no infringement under Federal Rule of Civil Procedure 50(a). The grounds for the Motion are as follows:

As presented in the accompanying Brief in Support of Sprint Spectrum L.P.’s Motion for Judgment as a Matter of Law of No Infringement under Rule 50(a) (“Brief”), multiple actions cannot directly infringe a method claim. Prism Technologies LLC (“Prism”)’s case theory requires multiple actors for infringement, and therefore Prism has failed to establish that Sprint can be liable for infringement of the method claims (*i.e.*, all of the asserted claims of the ‘345 Patent) as a matter of law. Further, because Sprint does not put the claimed system into “use,” there can be no infringement of the systems claims (*i.e.*, all of the asserted claims of the ‘155 Patent) as a matter of law. As such, a “reasonable jury would not have a legally sufficient evidentiary basis to find for Prism on the issue of infringement.” *See* Fed. R. Civ. P. 50(a).

This Motion is based upon the Brief, the Index of Evidence in Support of the Motion for Judgment as a Matter of Law and exhibits attached thereto, the trial transcript, and upon such other and further evidence and argument as the Court may receive before its decision.

Dated: June 19, 2015

Respectfully submitted,

By: s/ Michael T. Hilgers

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CERTIFICATE OF SERVICE

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